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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/530,937	05/05/2000	ALEKSANDR FYEDOROVICH LUKIN	VISP-2	6347

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EXAMINER

ENG, GEORGE

ART UNIT PAPER NUMBER

2643

DATE MAILED: 02/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/530,937	<b>Applicant(s)</b> LUKIN, ALEKSANDR FYEDOROVICH	
	<b>Examiner</b> George Eng	<b>Art Unit</b> 2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6,8,9,11 and 12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6,8,9,11 and 12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Amendment*

1. This Office action is in response to the amendment filed 8/9/2004. Accordingly, claims 3, 7 and 10 are canceled and claims 1-2, 4-6, 8-9 and 11-12 are pending for examination.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1-2, 4-6, 8-9 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiyama (JP 09098227A) in view of Stovall (US PAT. 6,144,724) and Skigin et al. (RU PAT. 2,105,425 hereinafter Skigin).

Regarding claim 1, Hiyama discloses a telephone network for a structured site comprising a common bus (101, figure 3) of a local computer network, i.e., LAN, connecting computer (105, figure 3) at the transmitting and receiving ends of the telephone network (14, figure 3) for a structural site and telephone sets (15, figure 3) connected to the telephone network (14, figure 3) to provide telephone communication between the parties at the transmitting and receiving ends through the local computer network, wherein it is provided with a computer telephony server (12, figure 3) connected to the local network and to a general telephone network

Art Unit: 2643

(14, figure 3) (abstract and detailed description). Hiyama differs from the claimed invention in not specifically teaching each telephone sets being provided with an interface and each interface being connected directly to the bus of the local computer network connecting computers, whereby the telephone sets can communicate with each other without computer by the telephone sets connected to the local computer network. However, Stovall teaches a network interface (125 or 135, figure 1) comprising a network interface micro-controller communicatively data between telephone (120, figure 1) and target telephony device (130, figure 1) over a digital network, i.e., a local computer network (110, figure 1), without computers in order to compatible with digital network transmission protocol (col. 2 lines 30-56 and col. 3 lines 14-44). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Hiyama in having each telephone sets being provided with an interface and each interface being connected directly to the bus of the local computer network connecting computers whereby the telephone sets can communicate with each other without computer by the telephone sets connected to the local computer network, as per teaching of Stovall, in order to compatible with digital network transmission protocol. Furthermore, neither Hiyama nor Stovall teaches to convert analog signal to and from digital signal adapted to the clock frequency of the local computer network, wherein the interface has a transmission channel and receiving channel, the transmitting channel having a signal detector-distributor with an input connected to a telephone set, a first output of said signal detector-distributor being connected to the input of a tone dialing recognition device having its output connected to the input of a recognized number transmission device, which has its output connected to the local computer network, a second output of the signal detector-distributor being connected to the input of an analog-to-digital

Art Unit: 2643

converter having its output connected the input of a compressor whose output is connected to a processor unit and the reception channel having a voice and tone signal transmission priority device having its output connected to the telephone set and a first input connected to the output of a call signal dialer, whose input is connected to a call number data converter having its input connected to the local computer network through the network adapter, a second input of the voice and tone signal transmission priority device being connected to the output of a voice signal transmitter, whose input is connected to the output of a decompressor having its input connected to the processor unit. However, it is notoriously well known in the art of an interface comprising a particular combination of elements including a signal-distributor, a tone dialing recognition device, a recognized number transmission device, a compressor, a voice and tone signal transmission priority device, a voice signal transmitter, and a decompressor for converting analog digital signal adapted to the clock frequency of the local network in order to allow the same channels to be used to transmit computer data and to maintain voice communication, for example see Skigin (entire patent). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Hiyama and Stovall in having the interface with a structure as taught by Skigin for converting analog-digital signals adapted to the clock frequency of the local network, because it makes easy to perform the communication process and costs reduction by providing an opportunity to the user to active one and the same channels for the transmission of computer data and for the setting up of voice communication.

Art Unit: 2643

Regarding claim 2, Stovall teaches computer (160, figure 1) connected to the telephone network being provided with multimedia hardware and software to allow direct voice telephone communication (col. 3 lines 36-44).

Regarding claim 4, Stovall discloses that the processor unit (220, figure 2) comprising a central processor (230, figure 2), connected to digital data input-output device (250, figure 2), and to a stored program memory and a random access memory (240, figure 2) to allow exchange of digital data to be effected within the framework of common network protocol (detailed description).

Regarding claim 5, the limitations of the claim are rejected as the same reasons as set forth in claim 1. In addition, Hiyama also discloses to maintain telephone communication between remote structure sites with the structure site (figure 3) such that it recognizes the local computer network of each remote site is being provided with a router connected thereto and to a router of the local computer network of at least one other site through communication channel of the computer networks of the remote structure sites.

Regarding claim 6, the limitations of the claim are rejected as the same reasons as set forth in claim 2.

Regarding claim 8, the limitations of the claim are rejected as the same reasons as set forth in claim 4.

Regarding claim 9, the limitations of the claim are rejected as the same reasons set forth in claim 1.

Regarding claim 11, the limitations of the claim are rejected as the same reasons set forth in claim 4.

Art Unit: 2643

Regarding claim 12, the limitations of the claim are rejected as the same reasons set forth in claim 2.

***Response to Arguments***

4. Applicant's arguments filed 8/16/2004 have been fully considered but they are not persuasive.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to applicant's arguments that the claimed invention was not described in Stovall, it is noted that Stovall clearly teaches network interface (125 or 135, figure 1) comprising a network interface micro-controller communicatively data between telephone (120, figure 1) and target telephony device (130, figure 1) over a digital network, i.e., a local computer network (110, figure 1), without computers in order to compatible with digital network transmission protocol (col. 2 lines 30-56 and col. 3 lines 14-44). By combining Stovall with Hiyama, one skill in the art would recognizes each telephone sets being provided with an interface and each interface being connected directly to the bus of the local computer network connecting computers whereby the telephone sets can communicate with each other without computer by the telephone sets connected to the local computer network, because it makes compatible with digital network transmission protocol. Thus, Stovall teaches the claimed limitations.

In response to applicant's argument that the modification of Hiyama by Stovall does not provide for the connection of the computer due to only Hiyama providing for computers at their transmitting and receiving ends but there is no teaching in Stovall of using it through a telephone general network, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). In addition, the use of Stovall is for teaching network interface (125 or 135, figure 1) comprising a network interface micro-controller communicatively data between telephone (120, figure 1) and target telephony device (130, figure 1) over a digital network, i.e., a local computer network (110, figure 1), without computers in order to compatible with digital network transmission protocol (col. 2 lines 30-56 and col. 3 lines 14-44). Note Hiyama teaches to provide for the connection of the computers at their transmitting and receiving ends. Thus, the combination of Hiyama, Stovall and Skigin teaches the claimed limitations.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation of combining Skign with the combination of Hiyama and



Art Unit: 2643

Stovall is to make easy in performing the communication process and costs reduction by providing an opportunity to the user to active one and the same channels for the transmission of computer data and for the setting up of voice communication. Thus, it would have been obvious to combine Skign with the combination of Hiyama and Stovall to achieve the claimed invention.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Riemann et al. (US PAT. 5,892,764) discloses a distributed private branch telephone exchange including a local area network carrying telephony traffic, an interface to the PSTN and a station interface connecting to a telephone device transmitting telephony over the local area network (abstract).

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

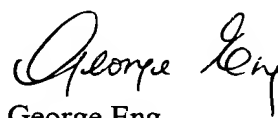
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2643

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Eng whose telephone number is 703-308-9555. The examiner can normally be reached on Tue-Fri 7:30 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A. Kuntz can be reached on 703-305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



George Eng  
Primary Examiner  
Art Unit 2643